

United States District Court for the Southern

District of West Virginia

File Number Case Number 2:17-cv-02345

KEITH LOWE,  
Plaintiff/Appellant

v.

DR. SHERRI JOHNSON, et. al.  
Defendants.

)  
)  
)  
)

Notice of Appeal



Notice is hereby given that Plaintiff, Keith W.R. Lowe (plaintiffs)  
(defendants) in the above named case, \* hereby appeal to the United States Court of Appeals for  
the FOURTH Circuit (from the final judgment) (from the order (describing it)) entered in this  
action on the 20<sup>th</sup> day of September, 20 21.

(s) Keith W.R. Lowe  
Pro se

Attorney for N/A

Address: \_\_\_\_\_

\* See Rule 3(c) for permissible ways of identifying appellants.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
INFORMAL BRIEF

No. \_\_\_\_\_

**1. Jurisdiction (for appellants/petitioner only)**

A. Name of Court or agency from which review is sought: *The United States District Court for the Southern District of West Virginia*

B. Date(s) of order or orders for which review is sought: *The Order was filed on September 20, 2021. (ECF Doc No 141); (Doc No. 142)*

**2. Timeliness of notice of appeal or petition for review (for prisoners only)**

Exact date on which notice of appeal or petition for review was placed in institution's internal mailing system for mailing to court: *October 2021*

**3. Issues for Review**

Use the following spaces to set forth the facts and arguments in support of the issues you wish the Court of Appeals to consider. The parties may cite case law, but citations are not required.

**Issue 1.** *Judge Johnston erred or abused his discretion by finding that because I did not present expert testimony as evidence, that there is no evidence to support my claim.*

**Supporting Facts and Argument.**

*I am a poor inmate who can not possibly be required to, or have the money to obtain an expert opinion to support my claims and its unfair to me to allow the Defendants to use expert testimony but not appoint me an expert*

**Issue 2.** *Judge Johnston erred or abused his discretion by allowing the Defendants to present expert testimony.*

**Supporting Facts and Argument.**

*? Idk sorry.*

**ISSUE 3.**

Judge errored by ~~not~~ failing to assume that my ~~facts~~ facts pleaded in my verified complaint as true. And, Judge Johnston errored by finding that Defendants were not deliberately indifferent and by granting Summary Judgment.

**Supporting Facts and Argument.**

There was at least a question of material fact that they were deliberately indifferent to my serious medical needs.

**ISSUE 4.**

Also, this Court already ruled on a Motion to Dismiss / Summary Judgment.

**Supporting Facts and Argument.**

Please see attached 'Brief' -

**4. Relief Requested**

Identify the precise action you want the Court of Appeals to take: I beg this Court to appoint me counsel to help me adequately argue my case, appoint an expert medical person to review my case and give his opinion vacate Judge Johnston's order granting Summary Judgment to Defendants and remand my case back to the district court, with instructions to appoint counsel and an medical expert.

**5. Prior appeals (for appellants/petitioner only)**

A. Have you filed other cases in this Court? Yes ☒ No ☐

B. If you checked YES, what are the case names and docket numbers for those appeals and what was the ultimate disposition of each?

It was this very case, No 2:17-cv-02345, and this court ~~was~~ vacated the district court's rulings.

Signature

[Notarization Not Required]

KEITH W.R. Lowe

[Please Print Your Name Here]

**CERTIFICATE OF SERVICE**

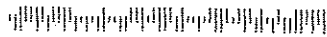
\*\*\*\*\*

I Certify that on October 2021 I served a copy of this Informal Brief  
on all parties, addressed as shown below:

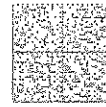
K. Maglar  
Signature



Keith W.R. Lowe  
Inmate #3380501  
Mount Olive Correctional Complex  
One Mountainside Way  
Mt. Olive, WV 25185



Correspondence from an  
inmate at Mount Olive  
Correctional Complex and Jail



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